

**IN THE GENERAL DISTRICT COURT FOR THE CITY OF CHARLOTTESVILLE**

**COMMONWEALTH**

**v.**

**JAMES FIELDS, JR.**

**AGREED MOTION AND ORDER FOR DISCOVERY**

FILED  
2017 OCT 30 PM 2 52  
CHARLOTTESVILLE  
GENERAL DISTRICT COURT

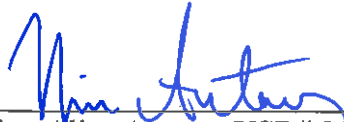
COMES now the Commonwealth through her assistant, Nina-Alice Antony, and counsel for the Defendant, Denise Lunsford and John Hill, to enter the following Agreed Order for Discovery.

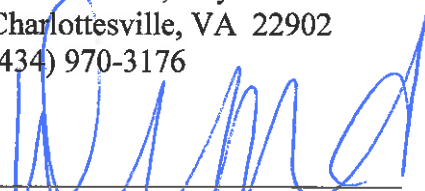
1. James Fields, Jr. is charged in this Court of multiple violations of the Code of Virginia. His preliminary hearing is set for December 14, 2017 at 1:00 p.m..
2. The Parties in this matter agree that except for the requirement that the Commonwealth disclose any and all exculpatory evidence, discovery in this case is governed by the materials described in Rule 3A:11 and Rule 7C:5.
3. The Parties agree to further supplement that discovery with an "open file" in this case.
4. Due to the large volume of sensitive material contained in the Commonwealth's file and the large amount of media interest this case has already generated, the Parties wish to protect the personal information of victims and witnesses in this case.
5. In consideration thereof, counsel for the Defendant agree not to allow the additional materials provided in "open file" or any copy thereof to leave their possession or control.
6. This dissemination agreement extends to the Defendant, James Fields, Jr., who will not be given copies of evidentiary materials, except the materials disclosed as exculpatory or described in the above referenced rules.

7. It is further agreed that this additional information will not be made part of the Defendant's client file.
8. The Defendant, James Fields, Jr., agrees to the above. Attached is an open file agreement signed by Mr. Fields and his counsel.
9. The Parties also agree that this motion, order and its attachments will be filed with the Court under seal.

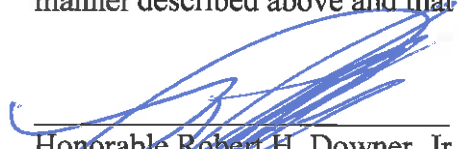
For the reasons stated above the Parties jointly ask this Court to Order that discovery in this case be handled in the manner described above.

We ask for this:

  
Nina-Alice Antony, VSB# 81812  
Assistant Commonwealth's Attorney  
P.O. Box 911, City Hall  
Charlottesville, VA 22902  
(434) 970-3176

  
Denise Y. Lunsford, VSB #31833  
414 East Market Street, Suite C  
Charlottesville, VA 22902  
434-328-8798

For the reasons set forth above the Court ORDERS that discovery in this case be handled in the manner described above and that the above motion, order and attachments be filed under seal.

  
Honorable Robert H. Downer, Jr.  
Judge, 16<sup>th</sup> Judicial District  
Commonwealth of Virginia

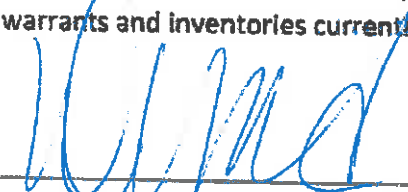
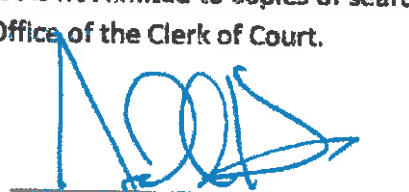
**Open File Agreement**  
**Commonwealth v. James A. Fields**

We, Denise Lunsford, Esq. and John Hill, Esq., as counsel appointed to represent James A. Fields in the General District, and Circuit Courts for the City of Charlottesville, recognize that Virginia's discovery requirements are governed by the Rules of Virginia Supreme Court, specifically Rule 3A:11 for Circuit Court, Rule 7C:5 for General District Court.

We agree that, with the exception of those materials described in Rule 3A:11 and Rules 7C:5, and the requirement that the Commonwealth disclose any and all exculpatory evidence, the Commonwealth is not required to provide us with copies of any evidentiary materials or to allow us to copy any evidentiary materials not identified by Rules 3A:11, 7C:5, or identified as exculpatory.

In consideration of the Commonwealth providing us with copies or allowing us to copy evidentiary materials other than those described in Rule 3A:11 and Rule 7C:5, we agree that we will not allow these additional materials or any copy thereof to leave our possession or control.

While we understand that we have the right and are encouraged to share and show to our client the contents of any and all evidentiary materials provided, we agree to not give evidentiary materials, except the materials disclosed as exculpatory or described in Rule 3A:11 (b)(1) and Rule 7C:5, to our client nor make them a part of our client's file. We agree that this specifically includes but is not limited to copies of search warrants and inventories currently under seal in the Office of the Clerk of Court.

  
\_\_\_\_\_  
Denise Y. Lunsford  
\_\_\_\_\_  
John I. Hill

I understand the above information after it was explained to me. I agree that materials provided to my attorneys in this case will not be given to me and will not be made a part of my client file except as set forth above.

  
\_\_\_\_\_  
James A. Fields